

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3413 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

HASMUKHLAL JETHALAL SHAH

Versus

GUJARAT STATE FERTILIZERS CO.LTD.

Appearance:

MR KS JHAVERI for Petitioner

MR SN SHELAT for Respondent No. 1, 2

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 24/03/2000

ORAL JUDGEMENT

This petition is filed by the petitioner for quashing and setting aside the order of termination of service dated 23rd/25th January 1986 , Annexure 'E' and confirmed by order,dated 22nd June, 1987 at Annexure

`G' passed by the Gujarat State Fertilizers Company Limited (`GSFC'). The petitioner has approached this Court directly by invoking provisions of Article 226 of the Constitution.

Rule was issued and the matter is called out for final hearing today.

Mr. S.N.Shelat, learned counsel for the respondent raised a preliminary objection regarding maintainability of the petition under Article 226 of the Constitution. He submitted that in GSFC and another vs. Association of Officers, GSFC , 1995 (2) GLH 179, this Court has held that GSFC is not "State" within Article 12 of the Constitution and petition under Article 226 is not maintainable .

In view of the fact that the point is covered by a decision of Division Bench of this Court, in my opinion, the petition filed by the petitioner is not maintainable and deserves to be dismissed and is accordingly dismissed by holding that since the respondent cannot be said to be "State" under Article 12, the petition is not competent.

Petition stands dismissed. Rule is discharged. No order as to costs.

--

parekh